

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NOV 14 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: HIGH COUNTRY PAVING, INC.

No. 19-72853

HIGH COUNTRY PAVING, INC.,

D.C. No. 9:18-cv-00163-DWM
District of Montana,
Missoula

Petitioner,

ORDER

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA,
MISSOULA,

Respondent,

UNITED FIRE & CASUALTY
COMPANY,

Real Party in Interest.

Before: BYBEE and OWENS, Circuit Judges.

Petitioner's emergency motion to stay the district court's November 4, 2019 order (Docket Entry No. 3) is granted. *See Hilton v. Braunkill*, 481 U.S. 770, 776 (1987).

This petition for a writ of mandamus raises issues that warrant an answer.

See Fed. R. App. P. 21(b). Accordingly, within 14 days after the date of this order, the real party in interest shall file an answer.

The district court, within 14 days after the date of this order, may address the

petition if it so desires. The district court may elect to file an answer with this court or to issue an order and serve a copy on this court. Petitioner may file a reply within 5 days after service of the answer(s). The petition, answer(s), and any reply shall be referred to the next available merits panel.

The Clerk shall serve this order on the district court and District Judge Donald W. Molloy.